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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JUAN TORRES,

CV 08-135-PK

Petitioner,

ORDER

v.

DON MILLS,

Respondent.

REDDEN, Judge:

On November 23, 2009, Magistrate Judge Paul Papak filed his Findings and Recommendation (doc. 39) that the court deny Juan Torres' Amended Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (doc. 20), and enter judgment dismissing this case with prejudice.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Civil Procedure 72(b) and 54(d)(2)(D). The district court is not bound by the recommendations of the magistrate judge, and "may accept, reject, or modify the recommended decision, receive

further evidence, or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). When either party timely objects to any portion of the magistrate’s Findings and Recommendation, the district court must conduct a *de novo* review of those portions of the magistrate’s report. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The district court is not, however, required to review the magistrate judge’s factual and legal conclusions to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Petitioner timely filed objections to Magistrate Judge Papak’s Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Papak’s analysis and conclusions. Accordingly, I ADOPT the Findings and Recommendation (doc. 39) in its entirety.

IT IS SO ORDERED.

DATED this 14 day of December, 2009.



James A. Redden
United States District Judge